



# Texas Chiropractic Board Report

September 2017  
Issue Four

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## Summary of Actions

A regular quarterly meeting of the Texas Board of Chiropractic Examiners (TBCE) was held August 17, 2017, in Austin. The following is a summary of Board actions taken during this meeting.

### The Board approved proposed amendments to the following rules:

- **72.9** - The proposed rule amendment reflects 2017 Sunset Commission recommendation to remove limitation on the number of times an applicant is allowed to take the jurisprudence exam, in order to achieve a passing score.
- **Chapter 73** - Chapter 73 is proposed for repeal to reflect implementation of 2017 Sunset legislation, SB 304, effective September 1, 2017, which ceases the Board's statutory authority over registering chiropractic facilities.
- **Rule 75.2** - The proposed rule amendment reflects 2017 Sunset Commission recommendation to change the current annual license renewal period to a two-year cycle, which reflects other similar health professional licensing agencies.
- **Rule 75.4** - The proposed rule amendment reflects 2017 Sunset Commission recommendation to implement a biennial licensing period in accordance with other similar healthcare professional licensing agencies.

**The proposed amendments will be posted to the TexasRegister.com on or before September 29, 2017, for a 30-day comment period.**

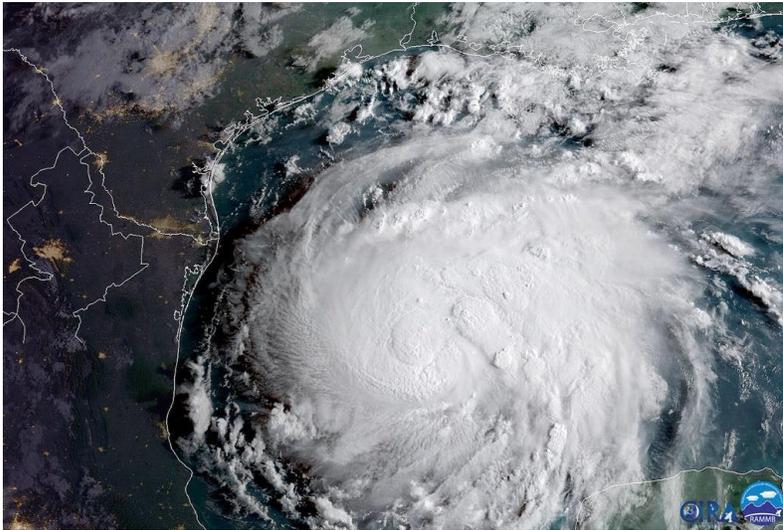
All proposed and adopted rules are submitted for publication in the *Texas Register* after each quarterly Board meeting and within a scheduled timeframe.

We encourage all licensees to monitor proposed rules published in the *Texas Register* and to regularly comment on these proposed rules. Comments must be in writing and sent to the TBCE General Counsel via mail or email at [rules@tbce.texas.gov](mailto:rules@tbce.texas.gov) within the time period specified.

Current and past issues of the Texas Register are available online at: <http://www.sos.state.tx.us/texreg/index.shtml>. If you'd like to be notified by email whenever the TBCE proposes, adopts or withdraws a rule or schedules an open meeting, contact the Texas Register at: [register@sos.state.tx.us](mailto:register@sos.state.tx.us) or call (512) 463-5561.

Current rules can always be viewed at [www.tbce.state.tx.us](http://www.tbce.state.tx.us).

## Hurricane Harvey Relief Response



### Hurricane Harvey Response

In the wake of Hurricane Harvey, the TBCE has received many calls and inquiries from Texas-based and out-of-state chiropractic licensees regarding how they can assist Texas residents affected by the storm. Texas chiropractors have inquired about how they can provide temporary space to local chiropractors. Out-of-state chiropractors have inquired about how they can provide temporary services within legal parameters. The following information may assist in these two scenarios.

### Texas Licensed Chiropractors

In offering your clinic space to other chiropractors, all applicable chiropractic professional standards of care, waivers/consent and proper patient record documentation must be adhered to. Any DC's treating their patients in your clinic need to maintain the treatment records for their patients and ensure that the patients are clear regarding who their treating DC is. The DC's treating in your clinic should also notify our licensing department that they are temporarily treating in any given location.

### Out-of-State Chiropractors

Out-of-state chiropractors can submit the following completed form for a 30-day temporary permit: [Emergency Visiting Practitioner Temporary Permit Form](#)

While the TBCE is not placing/assigning out-of-state healthcare providers, the following entities can offer sponsorship and other information on where to provide relief.

### Contacts for Provision of Services

- [Texas Disaster Volunteer Registry](#)
- [American Red Cross](#)
- [Volunteer Houston](#)
- [TX Gulf Coast Voluntary Organization Active in Disaster \(VOAD\)](#)

See also, Texas Governor Abbot's statement regarding out-of-state providers assisting with disaster relief:

*Pursuant to Section 418.016 of the code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.*



## Texas Board of Chiropractic Examiners

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## Attention New Licensees

**Your first renewal cycle is pro-rated** and is usually not a full twelve months, so completion of your Continuing Education (CE) requirements is not required until after your first license renewal.

**When you renew your license for the second time**, you should have completed sixteen (16) hours of approved CE, including the four (4) hours in Board-required topics and the one-time, eight (8) required hours for Medicare.



## Board Disciplinary Actions Taken

#### Bright Akhigbe, Lic. No.

11187, Dallas  
Pay \$2,000 & Pass EBAS for unprofessional conduct.

#### Richard Alexander, Lic. No.

8088, San Antonio  
Jurisprudence for unregistered facility.

#### Justin Benedict, Lic. No.

8790, El Paso  
Surrendered license in lieu of discipline for sexual Misconduct

#### Mark Darner, Lic. No. 6958,

Argyle;  
Pay \$1,000 for deceptive or misleading advertising.

#### Edward DeStefano, Facility

No. F0012373, San Antonio  
Cease and Desist for unregistered facility.

#### Scott Franklin, Lic. No.

6430, Celina  
Pass EBAS & Pay \$1,000 for unprofessional/sexual misconduct.

#### Abiel Gonzalez, III, Lic. No.

12024, Austin  
Pass Jurisprudence & Pay \$1,000 for expired license.

#### Eric Juntunen, Lic. No. 6305,

Houston  
Pass Jurisprudence & EBAS for not reporting a criminal conviction.

#### Brian Marek, Lic. No. 12363,

Wauaukee  
Pay \$250 for failure to report change of address.

#### Jessica Martinez, Facility No.

F0012153, Houston  
Letter of Reprimand for expired facility.

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## ...Board Disciplinary Actions



**Billie Martin**, Lic. No. 6168, Bellaire  
Pay \$250 for expired license.

**Robert Rakowski**, Lic. No. 6108,  
Houston; temporary license  
suspension; pay \$1,000, and pass  
Jurisprudence for practicing out-of-  
scope, conducting IV Therapy.

**Jay Rojas**, Missouri City  
Cease and Desist for practicing  
without a chiropractic license.

**Michael Shaw**, Lic. No. 9295, New  
Braunfels  
Cease and Desist for expired license  
and facility registration.

**Norma Sime**, Lic. No. 6012, El Paso  
Cease and Desist for expired license.

**Daniel Soto**, Lic. No. 9578, Plano  
Cease and Desist and pass  
Jurisprudence for expired license.

**Darci Stotts**, Lic. No. 5195, San Angelo;  
pay \$1,500 for inefficient practice and  
require staff office training for  
documentation and billing record keeping.

**Gerardo Trevino**, Lic. No. 8187, Southlake  
Cease and Desist, and Pass Jurisprudence  
for expired license.

**Joseph Turcotte**, Facility No. F009481,  
Friendswood  
Cease and Desist for practicing without a  
chiropractic license.

**Linda Turcotte**, Facility No. F009481,  
Friendswood  
Cease and Desist for practicing without a  
chiropractic license.

**Richard Wright, Jr.**, Facility No. F007641,  
Austin;  
Pay \$500 for unregistered facility.

**Jenay Zelaya**, Lic. No. 13232, San Antonio  
Pay \$500 for over treating and  
overcharging.

## President's Message



First, I want to thank those of you who read these newsletters and use the information to guide your business and practice decisions. The articles are written in the interest of preventing complaints against our licensees by focusing on common problem areas and anticipating questions or misconceptions. Not only are readers more likely to avoid Board actions, they are more likely to embrace high standards and provide honest, ethical and professional care. Earning a reputation as an honorable and skilled professional ultimately results in a successful practice.

I have mentioned in previous messages that the standards of practice are dynamic. Changes come with developments from within the profession as well as outside. Our patients are infinitely more aware of accepted healthcare standards due to access to published information and social media, and as a result, are more apt to post candid reviews. Those who embrace high standards tend to utilize such feedback by making positive changes to their practice and procedures.

Evidence-based practice (EBP) concepts were introduced twenty-five years ago and have become a solid standard in healthcare as well as in other legitimate industries. EBP is the conscientious use of current best evidence in making decisions about patient care. (Ref: Sackett, et al). It is the integration of the best research evidence with clinical expertise and patient values which, when applied by practitioners, will ultimately lead to improved patient outcome.

The curricula of all accredited chiropractic schools are molded around EBP as the core foundation. This is the new national standard to which Doctors of Chiropractic are held, thus, it is imperative that every licensed D.C. embrace this concept and design their clinical practices and administration policies accordingly.

My August 2017 letter to the profession last month, addressed that with elimination of facility registration, doctors employed by non-DC facility owners should fully understand their responsibilities regarding the maintenance of patient records, billing and sanitary conditions of the facility. Likewise, the doctor is responsible for making evidence-based clinical recommendations for diagnostic testing, treatment plans, and the need for any durable medical equipment or nutritional supplements.

Lastly, I urge doctors and staff members to communicate with patients compassionately and respectfully. Address their concerns about any discomfort they may experience during treatment. Research and evidence show that a properly managed communication and explanation to the patient about an outcome can actually help reinforce the trusting relationship you have with your patient. It will also reduce the risk of potential claims or litigation. (Ref: Whitmer/Vance, NCMIC, Patient Interactions, 9/01/2016; <https://www.ncmic.com/learning-center/articles/risk-management/patient-interactions/should-you-apologize/>).

Mark R. Bronson, D.C., F.A.C.O.

**Agency Licensing & Registration Summary through August 31, 2017**



Number of Chiropractic Doctors	
Active License	5501
CE-Conditional License	123
Expired License	301
Inactive License	661
Non-Renewable License*	2695
Probated License	15
Suspended License	4

Number of Radiologic Technologists	
Active Registration	69
Expired Registration	36

**Compliance & Investigations Information  
September 1, 2016 – July 31, 2017**

Complaints Open	
Complaints Received YTD	186
Complaints Closed	219
Average Days to Close Complaints	195
Closed with Orders	50

Complaints-Opened for Expired License	
Complaints Opened YTD	296
Complaints Closed	260
Average Days to Close Complaints	42
Closed with Orders	27
Closed with Letter of Education	125

Top 3 Closed Complaints by Violation Type	
Lack of Diligence	31
Fraud	18
Deceptive Advertising	16

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In compliance with the Americans with Disabilities Act, this document may be requested in alternate formats by contacting the Board's office, (512) 305-6906 (Voice) or by faxing a request to (512) 305-6705 (FAX).

## TBCE TEN: Guidelines for DC's Considering Employment



The TBCE is implementing changes pursuant to recently passed legislation that will impact DC's working within non-DC owned facilities. As of September 1, 2017, the TBCE will no longer register facilities. This means that facility owners will not be required to renew/register a facility, report ownership interests and otherwise keep their information current with the agency. The TBCE, however, maintains the authority and responsibility to regulate all aspects of chiropractic services within a facility, including billing for services and the maintenance of patient records. With this in mind, the TBCE offers the following TEN guidelines for DC's who are considering potential employment within a facility and entering into related business agreements.

### When Considering Employment

#### 1. Check references of potential employer and the other associate doctors in the clinic.

Ask the employer for at least three (3) references to provide background information in support of ethical business practices and professional behavior. Review a potential employer's website to assess whether it is in compliance with TBCE rules and Texas scope of practice. **TAC Rule §77.2 Publicity**

2. Check the **TBCE website**. Whether a licensed DC or not, a potential employer may have a history of violations, including prior revocation of facility registration, which record is kept by the TBCE. Click the "Consumers" tab to access the **Professional Profiling System** or "Verify Facility" for the record of a prior facility owner or licensed DC.

3. Check additional resources for criminal history. You can also check the county/district court civil and criminal records in various counties for filings and final judgments against a potential employer. <http://www.dallascounty.org/districtclerk/records-faqs.html>.

4. Personally inspect the facility for general appearance, cleanliness, and atmosphere. Consider the morale, friendliness, and professionalism of staff and other associate doctors. A DC's license is susceptible to disciplinary action for treating in a clinic with unsanitary or other unsafe, prohibited conditions. **TAC Rule §78.1(4)**

5. **Employment Agreement.** Consider your rights and responsibilities when entering into an employment agreement. You should have the right to audit all billing associated with your NPI number and/or billing submitted on your behalf for the patients you have treated. Submission of correct billing is the responsibility of the licensed DC, as it is the DC who will be called before the Board for substantiated complaints regarding incorrect billing.

6. **Obtain legal Advice.** The expense for sound legal advice when considering entering into an employment contract is worth peace of mind, as well as avoidance of fines, suspensions, and other disciplinary action against your license.

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## ... TBCE TEN: Guidelines for DC's Considering Employment

### Billing, Medicaid and Patient Records

**7. Protect Your NPI Number.** Your NPI number is as important as your Social Security number. Each DC must have a personal NPI number. The clinic or company that employs you should only use your personal NPI number when billing for services that you have provided. A clinic/company may also have its own group NPI number for billing, in which case both numbers should be included on the claim form. Upon leaving a clinic or company, it is the DC's responsibility to contact each insurance carrier to inform of the effective date of leaving. This further protects the DC's NPI number from potential fraudulent use in billing. Also note: All DC's must notify TBCE within 30 days of changing addresses to practice chiropractic in another location or clinic. **TAC Rule §75.1**

**8. Miscoding.** If a facility owner or billing personnel up-codes or otherwise alters the codes a DC recorded on a superbill or travel sheet, it remains the DC who is legally liable with the Board and other authorities for the miscoding. Make sure you are the one coding your services and that your codes are not altered by the billing department. An associate doctor should be knowledgeable in the coding and documentation requirements by TBCE, Federal, commercial and third party payers.

**9. Medicare Enrollment.** An associate doctor cannot treat any Medicare or commercial insurance (Blue Cross/Blue Shield, Aetna, etc.) patients without first becoming credentialed/enrolled as a provider. The clinic/company that employs the associate doctor should assist employees in the enrollment process if they are accepting Medicare & commercial insurance patients. The Medicare enrollment process can take 90-180 days to complete. A non-credentialed associate doctor may treat *cash* patients and most auto accident cases without restrictions. It is fraudulent to bill for services provided for Medicare patients or commercial insurance coverage under another DC's NPI number.

**10. Be knowledgeable with HIPAA rules and regulations.** There are several CE courses that address HIPAA requirements for health care professionals. This includes HB 300 which is required by Texas. See <https://www.hipaatraining.com/hipaa-and-texas-hb300-training>. Attestation should be completed within 60 days of new employment in any clinic/company and renewed every 2 years. Ask the employer who their HIPAA compliance officer is and to view the HIPAA and OIG compliance manuals, including their risk analysis assessment for the practice. A well-run health clinic will have these in order.

**TBCE Welcomes New DC Licensees**

Issued June 2017 through August 2017

Parker Hurst, D.C.  
Leila Doolittle, D.C.  
Gavin Lefever, D.C.  
Christopher Hill, D.C.  
Montgomery Stanley, D.C.  
Summer Silva, D.C.  
Shahrooz Zamanipour, D.C.  
Daniel Noble, D.C.  
Brad Price, D.C.  
Kaitlyn Lackey, D.C.  
Kelsey Smith, D.C.  
Joseph Adams, D.C.  
Thomas Peterson, D.C.  
Ashley Ruff, D.C.  
Christopher Kreymer, D.C.  
Maxwell Carlin, D.C.  
Jonathan McConduit, D.C.  
Michael Hilton, Jr., D.C.  
Jonathan Steffins, D.C.  
Jin Woo Jong, D.C.  
Camhy Hall, D.C.  
Kendra Chowning, D.C.  
Gloria Jaimes, D.C.  
Stephanie Mahan, D.C.  
Solmari Gonzalez Rivera, D.C.  
Aubrey Fearn, D.C.  
Jose Rodel Candelario, D.C.  
Miranda Wall, D.C.  
Rose Olson, D.C.  
Edgar Chang, D.C.  
Jordan Walsh, D.C.  
Meagan Svec, D.C.  
Brent Money, D.C.  
Micah Pittman, D.C.  
Jason Bolen, D.C.  
Irene Val-Addo, D.C.  
Brian Eaton, D.C.  
Andrew Rubin, D.C.  
Natalie Moore, D.C.  
Ana Canelo Serrano, D.C.

Quentre Shannon, D.C.  
Andrea Doroftei, D.C.  
Matthew Talley, D.C.  
Chris Guerrero, D.C.  
Aaron Cain, D.C.  
Shanna Jackson, D.C.  
D'Ondra Lawrence, D.C.  
Candace Whiteside, D.C.  
Catalina Johnson, D.C.  
Travis Prothro, D.C.  
Buffy De Luna, D.C.  
David Jaillet, D.C.  
Jeffrey Spaulding, D.C.  
Stephanie Defosse, D.C.  
Rashid Rihman, D.C.  
Robert Knorr, D.C.  
Corey King, D.C.  
Derek Goodson, D.C.  
Tony Kelsoe, D.C.  
Jordan Adams, D.C.  
Jessica Bourque, D.C.  
Gina Fowler, D.C.  
Carl Small, Jr., D.C.  
Edward Amadi, D.C.  
Heidemarie Berger, D.C.  
Scott Jacobson, D.C.  
Jay Mangum, D.C.  
Gregory Crocker, D.C.  
Rebecca Lindesmith, D.C.  
Kyle Jones, D.C.

**Reinstatements:**

Lynn Weeter, D.C.  
Andrew Goodman, D.C.  
Lance Richardson, D.C.  
Thomas Brown, D.C.  
Michelle Velez, D.C.  
Richard Duckworth, D.C.

## Texas Chiropractic Board Report Memorials



Dr. Cary T. Deiter Sr., age 66, passed away on Monday, March 20, 2017. Cary graduated from Cleveland Chiropractic College-Kansas City in 1983, and held a license in the state of Texas since 1990.



Dr. Curtis W. White, age 63, passed away Thursday, July 27, 2017. Curtis was a 1983 graduate of Texas Chiropractic College in Pasadena. Having served in the United States Air Force for four years and treated patients for over 30 years at his practice, Hill Country Chiropractic Center in San Marcos, TX, Dr. White's heart for serving others was evident in his daily life.



Dr. Ronald Eugene Engelmohr passed away Saturday, December 5, 2015. He pursued his dream of becoming a chiropractor and attended Texas Chiropractic College (TCC). Following his 1993 TCC graduation, he worked at a clinic in Austin, returned to TCC as an instructor, and joined Advanced Health Clinic in Corpus Christi, April of 1999.



Dr. Jack R. Nunn ("Dr. Jack"), age 60, passed away Monday, June 19, 2017, in Irving, Texas. Dr. Jack is a graduate of Palmer College of Chiropractic in Davenport, IA. He was an associate professor at Parker University in Dallas before opening his practice in Red Oak. He was devoted to his patients and their health. He practiced chiropractic care for more than 30 years.



John Martin, D.C., past president of the Texas Chiropractic Association, 1989-1990, passed away on Saturday, September 9, 2017.

Services will be held on September 30<sup>th</sup>, 11:00 AM at Unity Church of the Hills, 9905 Anderson Mill Rd, Austin, Texas. The family has asked that any donations be made in his name to Unity Church of the Hills.

Memorials are published at no cost as a tribute to deceased Texas Doctors of Chiropractic. Information included is primarily related to the individual's accomplishments in the chiropractic profession. To submit a memorial, please email [tbce@tbce.state.tx.us](mailto:tbce@tbce.state.tx.us) or call (512) 305-6906 for more information.